

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANKLIN BANK, a division of First
Place Bank, a federally chartered savings
association,

Plaintiff,

v.

MICHAEL EDWARD TINDALL,
individually and as trustee of MART
TRUST, u/a/d August 28, 1992, TINDALL
& COMPANY, P.C., a Michigan
Professional Corporation, CADIEUX
CORP., INC., a Michigan Corporation,
MICHIGAN CATHOLIC CREDIT UNION,
a Michigan chartered credit union,
MEMBER FIRST MORTGAGE LLC, a/k/a,
MEMBER FIRST MORTGAGE, a
Michigan limited liability company, and
UNITED STATES OF AMERICA,

Defendants.

_____ /

TINDALL & COMPANY, P.C.,

Counter-Plaintiff,

v.

FRANKLIN BANK,

Counter-Defendant.

_____ /

Case No. 07-13748

Honorable Patrick J. Duggan

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on December 11, 2007.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
 U.S. DISTRICT COURT JUDGE

On September 6, 2007, Franklin Bank (“Plaintiff” or “Franklin Bank”) filed this lawsuit against Michael Edward Tindall (“Tindall”), in his individual capacity and as trustee of MART Trust (“MART”), Tindall & Company, P.C. (“T&C”), Cadieux Corp., Inc. (“Cadieux”), Michigan Catholic Credit Union (“MCCU”), Michigan First Mortgage (“MFM”), and the United States of America.¹ Presently before this Court are: (1) Cadieux’s and Tindall’s “Joint Motion . . . to Dismiss Counts IV, V, and IX and for Award of Costs and Attorney Fees”; and (2) MART’s “Motion to Stay all Proceedings Pursuant to Colorado River Abstention Doctrine.” The Court held a hearing on these motions on December 11, 2007.

For the reasons stated on the record at the December 11, 2007 hearing,

IT IS ORDERED that Cadieux’s and Tindall’s Motion to Dismiss Counts IV, V, and IX and for Award of Costs and Attorney Fees is **DENIED**.

IT IS FURTHER ORDERED that MART’s Motion to Stay All Proceedings Pursuant to the Colorado River Abstention Doctrine is **DENIED**.

¹On November 13, 2007, by stipulation of the parties, the United States of America was dismissed without prejudice. (Doc. No. 39.)

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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